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CASE.

Aside from acute diseases, Arguments Heard man's queue to be shorn from his scale, yet he did not think it was a cruel and unjust punishment for a man to have On Habeas Corpus.

GIVEN ON MONDAY

Attorney Baird and E. P. Dole.

LOODGATES of oratory were open-Court yesterday morning and continued until late in the afternoon, the principals being United States District Attorney Baird, Attorney General Dole for the Territory and C. C. Bitting, who is petitioning Judge Estee on habeas corpus proceedings for his release from a ten days' sentence in the Oahu prison. After talking law, authorities, technical points and appealing to the softer side of the Judge's nature by relating the terrible punishment which Attorney Bitting will have to undergo should the Judge refuse to case under advisement until Monday bringing some horses down here. next, when he would give his decision.

be all the same to him whether the spectators were somewhat disappoint- tory ed at not hearing a decision yesterday. Although the affair under consideration Large airy rooms, is a comparatively slight one, yet the principle involved means much to the citizens of the Territory.

> was not present in court yesterday He soon had quite a following among morning and the petitioner appeared in the talent, who did not bother with the his own behalf and asked for a contin- form of the horse he rode, but simply his own behalf and asked for a contin-uance. In granting it Judge Estee said it was enough for them, even if his if his counsel did not appear in the afternoon he would appoint some one to defend the petitioner. Bitting said he

n table, yet the ridden. stigma of disgrace in being committed as great as though he had been comtion was the illegality of the Circuit than his equine opponent. If Connolly Judge's action. There should be a wants to fide here and ride straight he suitable place of confinement for such during June and July.

"I have not a word in contravention "He is a gentleman, whose word is as formed, good as his bond because I know from my own personal experience that he tells the truth always, but in this case the petitioner was sentenced to undergo punishment in a cell at the police sta- tennis courts, etc. tion, or to go out into the yard and associate with drunks, persons infested with vermin, aye, worse than that, afflicted with horrible diseases. It is contrary to the Constitution of the United States that a man should be subjected to cruel and unjust punishment.

"No man sentenced for contempt of court, such as I have been, should be incarcerated in a cell to associate with Contractors for electric light wiring men infested with vermin. The High private, inter-communicating and long Sheriff-no man could have been more listance telephones, power transmis gentlemanly than he to the petitioneris allowed to give the choice of two evils, so that sooner than go and stay The only ELECTRO-PLATING and in that stinking hole at the police station I had rather go to the penitentiary. Even though your petitioner may have had the liberty of a mosquito netting and can eat at the same table with the jailer, yet there is the disgrace and the gnawing pain. There is something that appeals to your honor, the High Sheriff and any one who has refinement of feeling, which will not allow you to see this disgrace committed. Further, I had the right to a trial before conviction."

District Attorney Baird made an eloquent appeal in behalf of the petitioner and cited many authorities in justification of his contention that the petitioner should be granted his freedom. He said the case appeared to him to be one of vastly more importance than appeared on the face of the matter. It was far-reaching because nowhere else in the United States, in no State or Territory, did such a state of affairs exist as in the Territory of Hawaii. Throughout the length and breadth of the land each State and Territory had its penitentiary to confine persons who had been sentenced to imprisonment for murder for life and for long terms of years for grave offenses, and none were sent except they be found guilty by indictment after trial by jury and after solemn verdict was rendered by the courts.

There are in all these places intermediate places for incarcerating all persons who are in contempt of court. He admitted the court had no right to go behind the order of the Circuit Judge and whatever illegalities existed must be proven to have arisen thereafter. He contended that the court had jurisdiction and that the petitioner was being punished in a cruel and unjust manner. He said Oahu jail was WHITE LABOR ONLY EMPLOYED. not a jail but a prison for felons, and the petitioner was subjected to cruel punishment and should therefore be discharged. Even though a palace were erected within the four frowning prison walls and the petitioner incarcrated therein, yet the ignominy would remain the same and there would be a stigma upon his reputation. Tongues of evil rumor would follow him about and no amount of explanation could remove the stigma.

Col. Baird wished it understood that he was not insinuating there had b injustice intended in this case, but there was an unfinished condition of things in the Territory and he hoped Women's Exchange there was an unfinished condition of that the powers that be would rectify

the wrongs here. Attorney General Dole contended that Col. Baird had not cited any au-Esplanade, Corner Allen and Fort Sts thorities in point and therefore did not

quote any for himself as prosecutor. King Edward VII lodged in Windsor Castle and the scullion that washed the dishes there also. He questioned whether their positions were the same. The same could be said of persons confined in Oahu prison for various offenses. It would be a cruel thing, he said, for a woman prisoner to have her hair cropped from her head and it would be a cruel thing for a Chinaman's queue to be shorn from his scalp, his head close shaven or cropped more than usual. He cited himself as instance where he did not think he would be particularly disgraced if he was in the prison and had what little hair he had left on his head to be cut off

Mr. Baird responded by saying tartly that he had expected the Attorney General to train a 16-inch gun on him as to authorities, but "he hasn't even so much as pulled a pop-gur on me. It is not a matter of grub, or mosquito netting, or three square meals a dayit is a matter of principle."

ed. The court remarked he would take advantage of the invitation. Court was then adjourned until 10 o'clock this

ed in the United States Circuit JOCKEY CONNOLLY IS IN HONOLULU

Wants to Promote the Interests of Horse Racing in the Islands.

Jesse Connolly, better known as "Long Shot" Connolly, is in town. He states that he came here recently from New allow the petitioner his freedom, Judge York with the intention of looking into Estee announced that he would take the local racing matters with the view of

Connolly has ridden for the late Mar-As Bitting is out on \$250 bail, it will cus Daly, George M. Bennett and other prominent owners. For George M. Ben-Judge decides then or later. The court nett he rode the famous mare Imp to vic-

Connolly became suddenly known to fame by the regularity with which he ploted long shots to the front; in fact, at one time he had a regular habit of Connolly became suddenly known to at one time he had a regular habit of rolling in on 20, 30 and 40-to-1 chances, which caused his name to become a Bitting's counsel, George A. Davis, household word among race-goers.

mount had only three legs.

.He was at the zenith of his fame about four years ago, although he rode many winners much later than this. He sud-At 2 o'clock Bitting began his argument. He threw several legal bouquets and it was said that he had enlisted for Manila. His action on a horse is startat the High Sheriff, Jailer Henry and ling and unique, and in position he outothers of the Territory's police officials, crouches Tod Sloan. He is, however, a but despite this fact he said that even good jockey and a great judge of pace, though he had a mosquito netting and riding a distance race as it should be

Connolly comes here at an opportune time. Local racing languishes for want to the Territory's penitentiary was just of honest, capable jockeys. If an owner wants to match his horse, it is his own mitted for a graver offense. The ques- jockey he has to fear, as much or more

A movement is on foot to form a rival to what the High Sheriff has said of athletic club to the Maile Ilimas. The the prison arrangements here," he said. idea is that with three or four clubs formed, local athletics would be much stimulated by competition which would naturally result. If the new club is formed it will meet the Maile Ilimas half way in a proposition for purchasing grounds for a baseball park, track,





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